

FAQ's

“What is Parole?”

Parole is the release of an inmate into the community prior to the completion of sentence subject to the orders of the BOPP and the supervision of the DOC.

Parole is not probation or conditional release. Probation is the suspension or deferral of a sentence by the District Court. The Court retains jurisdiction and the offender is placed under community supervision subject to the conditions imposed by the Court. Conditional release is the release to the community of an inmate under the auspices of the Department of Corrections and subject to their rules. These inmates will no longer remain eligible for parole consideration during their release. Should a Conditional Release inmate violate the conditions of his/her release and be designated to the MSP/MWP, they would then become eligible for parole when prison records advises the minimum time has been served on their sentence.

“What are my rights as a victim?”

State law §46-24-212, MCA, mandates that, upon the request of the victim**, the DOC or BOPP, as applicable, shall provide prompt notice of the offender's

- ◆ custody level
- ◆ parole eligibility and discharge dates
- ◆ parole hearing date and location
- ◆ Parole Board disposition
- ◆ proposed parole plan
- ◆ release to a community-based correctional program
- ◆ escape from custody
- ◆ release from custody including any conditions attached to the release
- ◆ death

** Requests for this information must be made to the appropriate agency(s)

“What are my obligations as a victim?”

The obligation to inform a victim is contingent upon the victim informing the appropriate agency in writing of the name, address, and phone number of the persons to whom the information should be provided and of any changes in name, address, or phone number.

“What can I do?”

- ◆ Submit a victim notification request to the DOC
- ◆ Register with VINE (registering with VINE does not automatically register you with the DOC ~ you must register with the two entities separately)
- ◆ Submit written, audio, or video testimony or provide oral testimony to the BOPP at the time of an offender's parole consideration.

“Will the information I provide the Board be kept confidential?”

In 1998, the Montana Supreme Court ruled that offender records held by the Board could be subject to public inspection. However, when requested, it is the practice of the Board to keep information about or from victims confidential for the victim's personal safety. Release of this information would require a District Court order.

“Why wasn't I notified of this offender's parole hearing?”

The BOPP only notifies those victims who have requested to be notified of parole hearings. Victims who have made the request also need to keep us informed of address changes. Registering with VINE does not automatically register a victim with the DOC.

“If I attend a parole hearing, will I have to face the offender?”

The Parole Board makes every effort to ensure that the victim does not have to see the offender, when requested. The Board realizes how traumatic the experience can be and strives to avoid causing further distress. However, the Board encourages victims to present testimony in front of the offender. The Board also has a Victim Services Specialist to help victims through the hearing process.

MONTANA BOARD OF PARDONS AND PAROLE

BRIEF OVERVIEW:

Parole is the release of an inmate into the community prior to the completion of the sentence subject to the orders of the Board of Pardons and Parole and the supervision of the Department of Corrections.

The Parole Board is not part of the Department of Corrections. It is an independent agency and exercises its quasi-judicial and policy-making functions without the approval or control of the Department of Corrections. The Board consists of seven members. The Board members are not state employees but private citizens appointed by the Governor and do not receive a salary. The Board's daily operations are conducted from the main office in Deer Lodge by eight fulltime staff and from the satellite offices in Billings and Great Falls by two fulltime staff members. Hearings are conducted by Board members and staff who travel to the various institutions across the state.

The purpose of parole is to reintegrate offenders back into society. Parole is a privilege and offenders must earn parole by addressing those problems that led to their incarceration. The Parole Board does not set parole eligibility dates. These dates are calculated by the Prison Records Department in accordance with State law and are based on the sentence handed down by the District Court. Unless ordered otherwise by the Court, even those offenders serving life sentences eventually become parole eligible. Parole is discretionary and the Board's decisions are based on public safety. The Board considers the following factors when making their decision:

- Can the inmate be released without being a detriment to him/herself or the community?
- Will the best interests of society be furthered?
- Is the inmate able and willing to fulfill the obligations of a law-abiding citizen?
- Would continued correctional treatment enhance the inmate's capacity to lead a law-abiding life?

The Board also considers any statements provided by victims and criminal justice authorities; an evaluation by institution staff; a psychological evaluation if requested; and the offender's criminal history, prior history under supervision, the nature of the offense, institutional conduct, treatment accomplishments, and the adequacy of the parole plan.

The Board has many options when making their decision. They can take the case under advisement, grant parole, grant parole upon completion of a program or programs, continue the case, schedule another hearing, or deny parole. If they deny parole, they can place the offender on annual review, biennial review, extended review (up to six years), or pass the offender to the discharge of his or her sentence.

If the Board decides to grant parole, they can impose a multitude of conditions in addition to the standard conditions of Montana parole. Victims can request that the offender be restricted from travel to their area or that they be restricted from contacting the victim. If an offender is granted a parole, they do not walk out the door that day. They must submit their plan, which usually includes a verifiable residence and employment, to the Board. The Board then sends the offender's file to a probation and parole office. The case is assigned to a parole officer who checks out the plan and community reaction. If everything is acceptable, the parole officer notifies the Board and a parole release date is set. This usually takes about 30 days.

In addition to the various other responsibilities of the Parole Board, we are also continuously working to expand the services we offer to the victims of felony crimes in Montana. We have created a Victim Services program that consists of a Victim Services Coordinator and a Victim Services Specialist. We are dedicated to making the contact a victim has with the parole process as informative and least traumatic as possible.

Following is the procedure we use to allow victims a voice in the parole decision-making process:

1. Offender is sentenced to MSP/MWP or Department of Corrections
2. Offender file is sent to BOPP or P&P
3. DOC receives written request for notification from victim/witness
4. DOC sends response with parole eligibility date, projected discharge date, and next hearing date
5. Request for Notification placed in file
6. Offenders under the jurisdiction of the Board come up for parole 2 months prior to PE date
7. Notice of scheduled hearing sent to Judge, county attorney, sheriff, probation and parole, and any victims listed in file approximately 30 days prior to hearing
8. Victim contacts BOPP to request info regarding hearing
9. Victims, or any interested persons, can provide oral, written, audio, or video testimony
 - a. If attending hearing, victims must provide DOB and SSN for prison background check at least 10 working days prior to hearing
 - b. Generally, persons under the age of 18 are not allowed to attend hearings
 - c. Because of space and time constraints, if a large group is attending, the Board asks that one or two people be designated as a spokesperson for the group
10. If approved for entry, a time is scheduled
 - a. The victims and the offender can be scheduled at different times – It is up to the victim if they want to be in the room/area at the same time as the offender. The Board encourages victims to present testimony in front of the offender.
 - b. A victim's written and oral testimony may be kept confidential if the request is submitted in writing and approved by the Board.
11. The Board has a Victim Services Coordinator and Victims Services Specialist to assist victims with the parole process.